



4. NSC and NSRC are corporations organized and existing pursuant to the laws of the State of Virginia with their principal places of business in Norfolk, Virginia. Thus, NSC and NSRC are citizens of Virginia. (Complaint ¶¶ 2-3).

5. Upon information and belief, the plaintiff is a citizen and residents of the State of South Carolina. (Complaint ¶ 1-5).

6. There is complete diversity between the defendants and the plaintiff. Accordingly, this matter is properly removed and before this Court.

8. Further, the amount in controversy, exclusive of interest and costs, exceeds the sum of \$75,000.00. Plaintiff seeks recovery of alleged damages including: property damage, injuries, consequential damages, loss of wages and income, and loss of enjoyment of property. (See Complaint ¶¶ 28, 32, 33, 35). The allegations of injuries and damages sought in the complaint are substantial and similar to other actions in which other plaintiffs have sought and recovered damages in excess of \$75,000.00. Thus, the jurisdictional amount is satisfied.

9. The United States District Court for the District of South Carolina, Columbia Division, has original subject matter jurisdiction of this civil action pursuant to 28 U.S.C. § 1332 because there is complete diversity of citizenship among all the parties, and the amount in controversy in this civil action, exclusive of interest and costs, exceeds the sum of \$75,000.00.

10. Pursuant to 28 U.S.C. § 1446(a) a copy of all process, pleadings and orders received and filed by the removing defendant are attached hereto as “**Exhibit A.**”

11. The defendants submit this notice of removal without waiving any defenses to the claims asserted by Plaintiff or conceding that Plaintiff has pled claims upon which relief can be granted.

WHEREFORE, Defendants, Norfolk Southern Corporation and Norfolk Southern Railway Company, pray that the above case now pending against it in the Court of Common Pleas for Richland County, South Carolina, be removed therefrom to this Court.

February 1, 2008

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